

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Patent Application of:

BORONAT *et al.*

Appl. No.: 09/987,025

Filed: November 13, 2001

For: **Nucleic Acid Sequences to Proteins
Involved in Isoprenoid Synthesis**



Art Unit: 1638

Examiner: Not Yet Assigned

Atty. Docket: 16515.102

TECH CENTER 1600/2900

OCT 16 2002

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DECLARATION PURSUANT TO 37 C.F.R. § 1.132

Commissioner for Patents
Washington, DC 20231

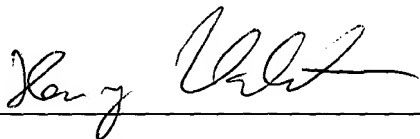
Dear Sir:

I, Henry E. Valentin, declare that:

- 1 I have been employed by Monsanto Company since September 1996.
- 2 On 07/18/2002, I received from Narciso Campos, PhD, a plasmid designated "pDXR-AT", which is referenced in the above referenced application at page 28 of the specification in Example 4.
- 3 On 09/16/2002, I received from Narciso Campos, PhD, a plasmid designated "pBAD-DXR", which is referenced at page 30 of the specification in Examples 5 and 6.
- 4 At my request, both pDXR-AT and pBAD-DXR were transformed into *Eschericia coli*, maxipreped, and the sequence of the cDNA insert was determined.
- 5 I hereby certify that the plasmids pBAD-DXR and pDXR-AT were sent by Federal Express on September 26th 2002 to the American Type Culture Collection (ATCC, 10801 University Blvd.; Manassas, VA 20110-2209, USA) under the Budapest Treaty, and were received by the ATCC on September 27, 2002, and were accorded ATCC accession numbers PTA-4728 and PTA-4727, respectively. The deposited biological materials, respectively, were derived from aliquots of vials of plasmid pBAD-

DXR and PDXR-At, which had been sent to me by Narciso Campos and were in my continuous custody and control until the date of the deposit.

6 I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-captioned patent application or any patent which issues therefrom.



Printed Name: Henry E. Valentin, PhD
Title: Research Manager
Date: 10/08/2002

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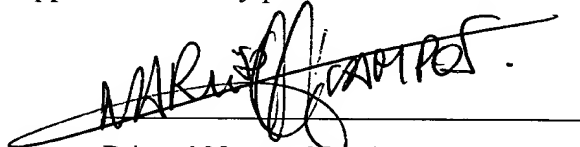
Commissioner for Patents
Washington, DC 20231

Dear Sir:

I, Narciso Campos, PhD, declare that:

- 1 I am a co-inventor of the above-captioned patent application.
- 2 The above-captioned patent application discloses a plasmid designated "pBAD-DXR" at page 29 and 30 of the specification in Example 5 and 6 and a plasmid designated "pDXR-At" at page 28 of the specification in Example 4.
- 3 I hereby certify that on September 13, 2002, I sent to Henry E. Valentin, PhD, at Monsanto Company the plasmid pBAD-DXR by FEDEX. I hereby certify that on July 11, 2002, I sent to Henry E. Valentin, PhD, at Monsanto Company the plasmid pDXR-At by TNT.
- 4 I hereby certify that the biological materials are the same plasmid pBAD-DXR and pDXR-At described in the above-captioned patent application. These plasmids had been in my continuous custody and control at box named DXR, in the first drawer of the -20 °C freezer of room 761 (Dept. of Biochemistry and Molecular Biology, 7th floor of the Faculty of Chemistry, University of Barcelona) from prior to the priority date of April 15, 1999 of the above-captioned application until the above noted dates they were sent to Henry E. Valentin, PhD.

5 I further declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements are made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code, and that such willful false statements may jeopardize the validity of the above-captioned patent application or any patent which issues therefrom.

A handwritten signature in black ink, appearing to read "NARCISO CAMPOS", written over a horizontal line.

Printed Name: Narciso Campos, PhD

Title: _____

Date: OCTOBER 11, 2002